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*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORIO NIEVES,

Defendants.

Case No. 2:18-mj-00527-GWF

STIPULATION AND PROPOSED  
ORDER TO CONTINUE  
PRELIMINARY HEARING  
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Richard Anthony Lopez, Assistant United States Attorney, counsel for the United States of America, and Daniel C. Coe, Assistant Federal Public Defender, counsel for defendant Gregorio Nieves, that the Preliminary Hearing currently scheduled on Thursday, June 14, 2018 at 4:00 p.m., be vacated and continued to a date and time convenient to the Court, however no sooner than 45 days.

This stipulation is entered into for the following reasons:

1. Defense counsel has remained diligent in preparation for the hearing, as well as negotiations.

2. The Defendant is out of custody on conditions and agrees to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is allowed, with the Defendant's consent, under Federal Rule of Criminal Procedure 5.1(d).

6. The additional time requested by this stipulation is excludable in computing the time within which the defendant must be charged pursuant to an information or indictment and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

7. This is the first request for a continuance of the preliminary hearing.

DATED this 7th day of June, 2018.

Respectfully submitted,

DAYLE ELIESON  
United States Attorney

/s/ Daniel C. Coe  
DANIEL C. COE  
Assistant Federal Public Defender  
Counsel for Defendant Gregorio Nieves

/s/ Richard Anthony Lopez  
 RICHARD ANTHONY LOPEZ  
 Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 GREGORIO NIEVES,

7 Defendant.

Case No. 2:18-mj-00527-GWF

8  
9 **ORDER**

10 Based on the Stipulation of counsel, good cause appearing, and the best  
11 interest of justice being served; the time requested by this stipulation being  
12 excludable in computing the time within which the defendant must be charged  
13 pursuant to an information or indictment and the trial herein must commence  
14 pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), and  
15 Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C.  
16 § 3161(h)(7)(B)(i) and (iv):

17 IT IS THEREFORE ORDERED that the Preliminary Hearing currently  
18 scheduled on Thursday, June 14, 2018 at the hour of 4:00 p.m., be vacated and  
19 continued to August 7, 2018 at the hour of 4:00 pm.

20 DATED this 8th of June, 2018.

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23 HONORABLE GEORGE W. FOLEY  
UNITED STATES MAGISTRATE JUDGE